

**EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS
MINUTES
MADISON, WISCONSIN
MEETING
SEPTEMBER 7, 2000**

PRESENT: Joan Underwood, Stephen Donohue, Roger Hall, Herb Garn, Thomas Evans, David Mickelson, Jerry Tyler, Wayne Lindgren, Fred Birts (by teleconference until 11:15) and Tracy Benzel (by teleconference)

EXCUSED: Patrick McGuire and Robert Karnauskas

STAFF PRESENT: Alfred Hall, Jr. and Becky Fry; William Black, Legal Counsel; Secretary Cummings and Division of Enforcement staff for portions of the meeting

CALL TO ORDER

The meeting was called to order at 9:32 a.m., by Joan Underwood, Chair. A quorum of ten members was present.

ADOPTION OF AGENDA

MOTION: Thomas Evans moved, seconded by David Mickelson, to approve the agenda, as published. Motion carried unanimously.

APPROVAL OF MINUTES (6/14/00)

The Board received an updated copy of the minutes.

MOTION: Herbert Garn moved, seconded by Fred Birts, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Marlene Cummings

The Board discussed William Dusso's July 13, 2000, memo advising that a Board member in the department should seek the advice of legal counsel before agreeing to serve as an expert witness in a judicial matter. The Board requested that Alfred Hall obtain further clarification from the Ethics Board.

This issue was tabled to the next meeting to be scheduled as a teleconference meeting.

Secretary Cummings explained the procedures used by other Boards for evaluating and mandating continuing education.

Bureau Director's Report

- **Board Roster**

The Board noted the current roster included in the agenda packet.

- **2001 Meeting Dates**

The Board received a copy of the proposed 2001 meeting dates.

MOTION: Stephen Donohue moved, seconded by Herbert Garn, to approve the proposed 2001 meeting dates. Motion carried unanimously.

- **Regulatory Digest**

A draft of the September 2000, Regulatory Digest was included in the agenda packet.

The Board recommended modification of the section under Soil Scientists relating to Patrick McGuire's focus on research activities and the practice of soil science, and the deletion of the table relating to wetlands analysis tasks requiring soil science competency and replacing it with a paragraph related to the resolution of the wetland scientist issue.

The Board recommended including articles relating to:

Joan Underwood's attendance at the exam workshop.

The Board's intent to potentially create rules relating to continuing education.

The statutory requirements relating to firm registration.

Modification of the section under Soil Scientists relating to Patrick McGuire's focus on research activities and the practice of soil science.

The deletion of the table relating to wetlands analysis tasks requiring soil science competency and replacing it with a paragraph related to the resolution of the wetland scientist issue.

ADMINISTRATIVE RULES

Final Adoption of Clearinghouse Rule 00-64 Relating to Educational and Experience Requirements Prior to Sitting for the Fundamentals Examination

MOTION: David Mickelson moved, seconded by Thomas Evans, to accept the Order of the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists to adopt the rules. Motion carried unanimously.

Scope Statement - Definition of Supervision

The Board discussed the intent of the rules relating to the definition of supervision and indicated that this definition was needed during the grandfathering period and was no longer an issue.

The Board discussed the definition of "peer reviewer" for application reviews.

MOTION: Jerry Tyler moved, seconded by David Mickelson, to rescind the scope statement request for the definition of supervision. Motion carried unanimously.

Electronic Signatures and Transmission – NCEES Electronic Technology Task Force White Paper

The Board reviewed information on the use of electronic signatures and discussed whether a representative of the Board should be involved in the process.

MOTION: Jerry Tyler moved, seconded by Thomas Evans, to recommend that Alfred Hall keep the Board informed of any future electronic transmission issues. Motion carried unanimously.

DISCUSSION OF USE OF TITLE RELATING TO OTHER AGENCIES

The Board conveyed interest in getting notification of any administrative rules that would have impact on any Section of the Board.

MOTION: Stephen Donohue moved, seconded by David Mickelson, to request Alfred Hall to draft a letter notifying the Department of Natural Resources (DNR), the Department of Transportation, the Department of Revenue, the Department of Commerce and the Department of Agriculture, of the existence of licensed Professional Geologists, Hydrologists, and Soil Scientists and requesting notification of any administrative rule proposals requiring specific professional licenses that would have an impact on any Section of the GHSS Board and to request the DNR to evaluate its codes to determine where Professional Geologists, Hydrologists, and Soil Scientists should be included in the requirements for professional competency to do the work and that the Board be kept informed of that process. Motion carried unanimously.

APPLICATION REVIEW

The Board discussed guidelines relating to an application for Certificate of Authorization for a firm under disciplinary action in another state.

The Board recommended future items of concern with applications for Certificate of Authorization be brought to the respective Section for action on the application.

DIVISION OF ENFORCEMENT ORIENTATION TO SCREENING PANEL (ENGERMAN/BERNDT)

The Board received materials prepared by the Division of Enforcement entitled: “The Case Handling Process” and “The Role of the Case Advisor.”

Stuart Engerman reviewed information relating to the case handling process.

Michael Berndt reviewed information relating to the case advisor, the legal action stage and the hearing stage.

NEW BUSINESS

The Board discussed initiating a scope statement to promulgate rules to begin the information-gathering process relating to continuing education issues.

MOTION: Jerry Tyler moved, seconded by Stephen Donohue, to request staff to draft a scope statement relating to continuing education credits for renewal of licensure, to be reviewed by Joan Underwood. Motion carried unanimously.

The Board received a copy of the following proposed language for the Rules Committee for review:

GHSS 1.07 Rulemaking. (1) Procedure. The Board may approve and adopt rules proposed by any Section of the Board.

(2) Rules committee. (a) The Rules Committee of the Board is comprised of one professional member from each Section and two public members. The Board Chair shall appoint the two public members from any of the three Sections of the Board.

(b) The Rules Committee shall act for the Board in rulemaking proceedings except for final approval as specified in sub. (1).

MOTION: Jerry Tyler moved, seconded by David Mickelson, to adopt the rules for promulgation. Motion carried unanimously.

MOTION: Thomas Evans moved, seconded by Herbert Garn, to hold a public hearing at the October 31, 2000, Soil Science Section meeting and delegate Stephen Donohue, Vice Chair to review the Clearinghouse comments and public hearing comments; and if comments are favorable, to approve forwarding to the Legislative Standing Committee. Motion carried unanimously.

The Board received a copy of the 2001 examination dates for Professional Geologists, Hydrologists, and Soil Scientists. Noted.

Alfred Hall requested that Judy Mender send a copy of the examination dates to schools related to the Sections.

ADJOURNMENT

MOTION: Stephen Donohue moved, seconded by Jerry Tyler, to adjourn the meeting at 1:17 p.m. Motion carried unanimously.